

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

IN RE:

JOHN WILLIAM GALLAGHER III
SHELLY LOU GALLAGHER
5134 Edgecliff Dr
Wichita Falls, TX 76302

CASE NO: 18-70327
HEARING DATE: 10/16/2019
HEARING TIME: 10:00 AM

TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS AND OBJECTION TO CLAIMS

NOW COMES Robert B. Wilson, Chapter 13 Trustee, and files this Proposed Trustee's Recommendation Concerning Claims and Objection to Claims in accordance with Bankruptcy Rule 3007 and General Order 2017 -01 and would respectively show unto the Court as follows:

**I.
OBJECTION -- NO PROOF OF CLAIM FILED**

The following creditors were scheduled by the Debtors. No Proof of Claim has been filed by them or on their behalf as required by Bankruptcy Rule 3002(a). The bar date for filing claims pursuant to Bankruptcy Rule 3002(c) has passed. Therefore the claims should be DISALLOWED.

TT Clm#	Creditor Name	Scheduled Amount	TT Clm#	Creditor Name	Scheduled Amount
---------	---------------	------------------	---------	---------------	------------------

**II.
SPECIFIC OBJECTIONS**

None

**III.
TRUSTEE'S RECOMMENDATIONS CONCERNING ALLOWED CLAIMS**

The Trustee hereby recommends the ALLOWANCE of the following claims for the amount and in the class as listed below.

TT Claim#	Creditor	Collateral / Description	Claimed Amt	Value	Mo Pmt	%
SECURED CREDITORS						
4	CARRINGTON MORTGAGE SERVICES LLC	5134 EDGECLIFF DR - PRE-PETITION MORTGAGE ARREARS THRU 10/2018	\$11,126.08	\$128,000.00	see below	0.00%
SEE MODIFICATION BELOW						
7	SANTANDER CONSUMER	2015 JEEP PATRIOT	\$14,675.00	\$14,675.00	see below	6.50%
8	WICHITA COUNTY	5134 EDGECLIFF DR- 2018 PROPERTY TAXES	\$3,069.51	\$128,000.00	\$0.00	Paid Direct
9	WICHITA FALLS TEACHERS FCU	2018 DODGE RAM	\$30,870.96	\$37,299.00	\$607.65	6.50%
10	CARRINGTON MORTGAGE SERVICES LLC	5134 EDGECLIFF DR - CONDUIT MORTGAGE PAYMENT BEGINS 1/2019	\$105,315.64	\$128,000.00	see below	0.00%
11	CARRINGTON MORTGAGE SERVICES LLC	5134 EDGECLIFF DR - POST-PETITION MORTGAGE ARREARS 11/2018 & 12/2018	\$2,380.20	\$128,000.00	see below	0.00%
SEE MODIFICATION BELOW						
12	WICHITA FALLS TEACHERS FCU	2018 DODGE RAM - CROSS COLLATERAL	\$6,428.04	\$6,428.04	see below	6.75%

In Re: JOHN WILLIAM GALLAGHER III & SHELLY LOU GALLAGHER
Case Number: 18-70327

Page 2 of 4
Date: 08/28/2019

TT Claim#	Creditor	Collateral / Description	Claimed Amt	Value	Mo Pmt	%
SECURED CREDITORS						
21	WICHITA COUNTY	2018 BUSINESS PERSONAL PROPERTY - 5134 EDGECLIFF	\$105.13	\$128,000.00	\$5.74	12.00%
25	ATWOOD RENTALS	STORAGE BUILDING ON PROPERTY	\$3,301.03	\$3,301.03	see below	0.00%

TT Claim#	Creditor	Collateral / Description	Claimed Amt		
EXECUTORY CONTRACTS					
27	ATWOOD RENTALS INC	EXECUTORY CONTRACT & UNEXP LEASE	\$0.00	\$0.00	Assumed-Paid Direct

TT Claim#	Creditor	Collateral / Description	Claimed Amt		
UNSECURED CREDITORS					
2	AMERICAN FIRST FINANCE	FURNITURE	\$1,152.16	\$0.00	
13	WICHITA FALLS TEACHERS FCU	LOAN	\$6,774.27	\$0.00	
14	WICHITA FALLS TEACHERS FCU	LOAN	\$844.46	\$0.00	
28	AT&T MOBILITY II LLC	SERVICES	\$518.51	\$0.00	
29	AMERICAN FIRST FINANCE	LEASE TO OWN	\$712.70	\$0.00	
30	LVNV FUNDING	PURCHASES/CITIBANK	\$263.27	\$0.00	
10007	SANTANDER CONSUMER	Split Claim	\$10,611.61	\$0.00	
10012	WICHITA FALLS TEACHERS FCU	Split Claim	\$1,086.81	\$0.00	

*****Claims With Step Payments*****

TT Claim#	Creditor	Payment Amount	Start Date
12	WICHITA FALLS TEACHERS FCU	\$0.00	11/01/2018
		\$143.10	05/01/2019
25	ATWOOD RENTALS	\$0.00	11/01/2018
		\$253.93	10/01/2022
10	CARRINGTON MORTGAGE SERV	\$0.00	11/01/2018
		\$1,209.12	12/01/2018
		\$1,190.10	01/01/2019
4	CARRINGTON MORTGAGE SERV	\$0.00	11/01/2018
		\$981.08	10/01/2022
11	CARRINGTON MORTGAGE SERV	\$0.00	11/01/2018
		\$101.00	10/01/2022
7	SANTANDER CONSUMER	\$196.25	11/01/2018
		\$287.14	12/01/2018

In Re: JOHN WILLIAM GALLAGHER III & SHELLY LOU GALLAGHER
Case Number: 18-70327

Page 3 of 4
Date: 08/28/2019

If the Trustee's recommendation concerning any claim differs from the amount indicated in a Creditor's Proof of Claim, the recommendation is deemed an objection to such claim. Unless a timely response or objection is filed contesting the Trustee's recommendation, the objection will be sustained and such claim will be allowed only in the amount and in the class indicated.

Any proposed changes by the Debtors that extends the term or lowers the interest rate as to any secured claim contained in the confirmed Plan must be set out in a Debtors' Objection or Response to the Trustee's Recommendation Concerning Claims and noticed to the affected Creditor in the absence of a Letter Agreement between the Debtors and the affected Creditor.

IV.
TRUSTEE'S PLAN MODIFICATION

Pursuant to 11 U.S.C. Section 1329, and in accordance with General Order 2017-01 Section 8, the Trustee requests the following Modification of Debtors' Confirmed Plan, subject to feasibility herein:

Pursuant to General Order 2017-01(15)(c)(1), the plan payment and the plan base may be subsequently adjusted due to changes in the conduit mortgage payments as applicable.

Carrington Mortgage secured claim #11 \$2,380.20 shall be paid at \$101.00 monthly beginning 10/2022 in order to pay claim within the remaining term of the plan. Carrington Mortgage secured claim #4 \$11,126.08 shall be paid at \$981.08 monthly beginning 10/2022 in order to pay claim within the remaining term of the plan. The plan payment will increase to \$2,940.00 monthly beginning 10/2019 for a new total plan base of \$176,049.00.

NOTICE OF HEARING AND PRE-HEARING CONFERENCE

IF AN OBJECTION IS FILED, A HEARING WILL BE HELD 10/16/2019 AT 10:00 AM CONCERNING THE TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS AND OBJECTION TO CLAIMS AT THE FOLLOWING LOCATION:

LIVE: US COURTHOUSE ROOM 222, 10TH & LAMAR STREETS, WICHITA FALLS, TX 76301

A PRE-HEARING CONFERENCE WITH THE TRUSTEE SHALL BE HELD AT US COURTHOUSE ROOM 303, 10TH AND LAMAR STREETS, WICHITA FALLS, TX 76301 ON 10/16/2019 at 8:30 AM.

ALL PARTIES ARE REQUIRED TO ATTEND THE PREHEARING CONFERENCE. ANY OBJECTIONS TO THE PLEADINGS NOT RESOLVED OR DEFAULTED AT THE PREHEARING CONFERENCE WILL BE HEARD BY THE COURT AT THE HEARING DATE AND TIME ABOVE. TO BE CONSIDERED, ANY OBJECTION OR RESPONSE MUST BE MADE IN WRITING, SERVED ON ALL AFFECTED CREDITORS AND FILED WITH THE COURT WITHIN THIRTY (30) DAYS FROM THE DATE OF SERVICE.

PURSUANT TO GENERAL ORDER 2017-01 SECTION 8(C), UNLESS AN OBJECTION IS TIMELY FILED AS TO THE TREATMENT OF ANY CLAIM OR MODIFICATION, THE CLAIM OR MODIFICATION WILL BE ALLOWED OR APPROVED AS DESCRIBED IN THE TRCC AND SUCH TREATMENT WILL BE FINAL AND BINDING ON ALL PARTIES.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS AND OBJECTION TO CLAIMS was served on the following parties electronically or at the addresses listed below by U.S. First Class mail.

AMERICAN FIRST FINANCE, BECKET AND LEE, LLP, PO BOX 3002, MALVERN, PA 19355-0701

AT&T MOBILITY II LLC, C/O AT&T SERVICES KAREN CAVAGNARO, ONE AT&T WAY ROOM 3A104, BEDMINSTER, NJ 07921

ATWOOD RENTALS INC, PO BOX 489, MILAN, TN 38358

ATWOOD RENTALS, 1148 S MAIN ST, MILAN, TN 38358

In Re: JOHN WILLIAM GALLAGHER III & SHELLY LOU GALLAGHER

Case Number: 18-70327

Page 4 of 4

Date: 08/28/2019

CARRINGTON MORTGAGE SERVICES LLC, 1600 S DOUGLASS RD, ANAHEIM, CA 92806
CARRINGTON MORTGAGE SERVICES LLC, PO BOX 3730, ANAHEIM, CA 92806
GREGORY A ROSS, 4245 KEMP BLVD STE 308, WICHITA FALLS, TX 76308
HAT LAW, PO BOX 726, PARIS, TN 38242
INTERNAL REVENUE SERVICE, PO BOX 7317, PHILADELPHIA, PA 19101-7317
INTERNAL REVENUE SERVICE, PO BOX 7346, PHILADELPHIA, PA 19101-7346
JEANMARIE BAER, PERDUE BRANDON FIELDER COLLINS & MOTT, PO BOX 8188, WICHITA FALLS, TX 76307
JOHN WILLIAM GALLAGHER III, SHELLY LOU GALLAGHER, 5134 Edgecliff Dr, Wichita Falls, TX 76302
LVNV FUNDING, C/O RESURGENT CAPITAL SERVICES, PO BOX 10587, GREENVILLE, SC 29603-0587
MONTE J WHITE, ATTORNEY AT LAW, 1106 BROOK AVE HAMILTON PLACE, WICHITA FALLS, TX 76301
PROBER & RAPHAEL, A LAW CORPORATION, 20750 VENTURA BLVD STE 100, WOODLAND HILLS, CA 91364
SANTANDER CONSUMER USA, DBA CHRYSLER CAPITAL, PO BOX 961275, FORT WORTH, TX 76161
SANTANDER CONSUMER, DBA CHRYSLER CAPITAL, PO BOX 961278, FORT WORTH, TX 76161
UNITED STATES ATTORNEY, 801 CHERRY STREET UNIT 4, FT WORTH, TX 76102-6882
US ATTORNEY GENERAL, MAIN JUSTICE BLDG, ROOM 5111, 10TH ST & CONSTITUTION AVE, WASHINGTON, DC 20530
WICHITA COUNTY, 600 SCOTT AVE SUITE 103, WICHITA FALLS, TX 76301
WICHITA FALLS TEACHERS FCU, PO BOX 4516, WICHITA FALLS, TX 76308
WILLIAM T NEARY, UNITED STATES TRUSTEE, 1100 COMMERCE STREET RM 976, DALLAS, TX 75242

Date: 08/28/2019

/s/ Robert B. Wilson

Robert B. Wilson, Chapter 13 Trustee